

## HOUSE BILL NO. 514

INTRODUCED BY GUTSCHE, COHENOUR, LANGE, WARDEN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE RESTITUTION FOR THE ILLEGAL TAKING OF A GRIZZLY BEAR; AMENDING SECTIONS 87-1-111 AND 87-1-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, grizzly bears in the Yellowstone ecosystem have achieved recovery goals established by the United States Fish and Wildlife Service; and

WHEREAS, the United States Fish and Wildlife Service has indicated that it intends to remove grizzly bears in the Yellowstone ecosystem from the list of threatened and endangered species in 2005; and

WHEREAS, once delisted, grizzlies will be managed by the State of Montana; and

WHEREAS, illegal taking of a grizzly bear constitutes a theft of valuable state property and could delay delisting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-111, MCA, is amended to read:

**"87-1-111. Restitution for illegal killing or possession of certain wildlife.** (1) Except as provided in 87-1-115 and in addition to other penalties provided by law, a person convicted or forfeiting bond or bail upon a charge of the illegal taking, killing, or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each bird, mammal, or fish according to the following schedule:

(a) bighorn sheep, ~~grizzly bear~~, and endangered species, \$2,000;

(b) elk, caribou, bald eagle, black bear, and moose, \$1,000;

(c) mountain lion, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission regulation, \$500;

(d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, \$300;

(e) fur-bearing animals, as defined in 87-2-101 and not listed in subsection (1)(c) or (1)(d), \$100;

1 (f) game bird (except swan), \$25;

2 (g) game fish, \$10.

3 (2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that  
4 some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection  
5 (1). A hearing to determine the amount of restitution, as required under 46-9-512, is not required for an order  
6 of restitution under this section."  
7

8 **Section 2.** Section 87-1-115, MCA, is amended to read:

9 **"87-1-115. Restitution for illegal killing or possession of trophy wildlife.** In addition to other  
10 penalties provided by law, a person convicted or forfeiting bond or bail on a charge of the purposeful or knowing  
11 illegal killing, taking, or possession of a trophy animal listed in this section shall reimburse the state for each  
12 trophy animal according to the following schedule:

13 (1) bighorn sheep with at least one horn equal to or greater than three-fourth curl as defined by  
14 commission regulation, \$30,000;

15 (2) elk with at least six points on one antler, as defined by commission regulation, or any grizzly bear,  
16 \$8,000;

17 (3) moose having antlers with a total spread of at least 30 inches, as defined by commission regulation,  
18 or any mountain goat, \$6,000;

19 (4) antlered deer with at least four points on one antler as defined by commission regulation, \$8,000;

20 (5) antelope with at least one horn greater than 14 inches in length as defined by commission  
21 regulation, \$2,000."  
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23 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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